

### **REMARKS**

Claims 9, 18, 21-22 and 28 are pending in the present application. Claims 9, and 18 have been amended to incorporate claims 11 and 27, respectively. Claims 11 and 27 have been cancelled. No new matter has been added by way of the above amendments.

### **Objection to the Specification**

The priority paragraph in the specification has been objected to for not referring to the foreign and provisional application priority claims under the respective appropriate paragraphs of 35 U.S.C. § 119. The specification has been amended as requested by the Examiner. As such, withdrawal of the objection is respectfully requested.

### **Double Patenting**

Claims 9, 11, 18, 21, 27 and 28 have been provisionally rejected for non-statutory obviousness-type double patenting as being unpatentable over claims 59 and 60 of co-pending application No. 10/622,377. Applicants respectfully request that this issue be held in abeyance until the claims in one of the two applications are otherwise in condition for allowance.

### **Issues under 35 USC § 102**

The Examiner rejected claims 9, 18, 21 and 22 under 35 U.S.C. 102(e) as being anticipated by Maher et al. (US Patent 6,686,193 B2). Claims 9 and 18 have been amended to incorporate the subject matter of claims 11 and 27, which were not deemed anticipated by Maher et al. As such, the rejection is overcome and withdrawal thereof is respectfully requested.

In view of the above amendments and Remarks, Applicants believes the pending application is in condition for allowance.

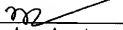
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong, Ph.D., Reg.

No. 40,069 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: SEP 11 2008

Respectfully submitted,

By   
MaryAnne Armstrong, Ph.D.  
Registration No.: 40,069  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatchouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant